

UNITED STATES OF AMERICA )

v. )

JOHN CHU (1), )  
ZHU ZHAOXIN (2) and )  
SUNNY BAI (3) )

**UNDER SEAL**

No. 04-CR-10156 WGY

**DEFENDANT ZHU ZHAOXIN'S EX PARTE MOTION**  
**FOR APPOINTMENT OF CO-COUNSEL**

NOW COMES the Defendant, Zhu Zhaoxin, through counsel, and respectfully moves this Honorable Court, pursuant to paragraph 2.11B of the *Guidelines for the Administration of the Criminal Justice Act and Related Statutes*, to appoint Virginia Lee, Esquire, as co-counsel in the instant case. In support thereof, counsel states the following:

1. I was appointed by the Court to represent the Defendant in the instant matter on July 14, 2004.
2. I have spent approximately three hours with Mr. Zhu and a Mandarin interpreter since my appointment, and I have represented him at his Arraignment.
3. Mr. Zhu is 54-years-old, was born and raised in the People's Republic of China, spent most of his adult life in the People's Republic of China and speaks Mandarin.

based upon his life experiences in the People's Republic of China and his unfamiliarity with our criminal justice system.

5. To date, I have been unable to effectively explain our system of criminal justice in a way that will allow him to make the important decisions that he will be required to make in the next several months.

6. As a result, the Court was required to enter a "not guilty" plea for Mr. Zhu at his arraignment.

7. I am hampered in my representation not just by a language difficulty, but by a deep cultural divide between the manner in which criminal justice is effectuated in the People's Republic of China and the United States.

8. Mr. Zhu is currently charged in a twenty page Indictment with conspiracy, but the Government has already indicated its intent to supercede with violations of 22 U.S.C. § 2778 for attempting to export defense articles without a license.

9. Virginia Lee, Esquire is a Massachusetts attorney who has represented a Chinese client base for over twenty years. (See Curriculum Vitae, attached hereto).

10. Attorney Lee is a member of this Court and formerly accepted CJA appointments in criminal cases.

11. Attorney Lee is experienced and trusted in the Chinese community and is better equipped to communicate important facets of our system and the charges to Mr. Zhu.

as co-counsel in the instant case.

13. The undersigned counsel will remain solely responsible for Court appearances, filing and communicating with the U.S. Attorney's Office.

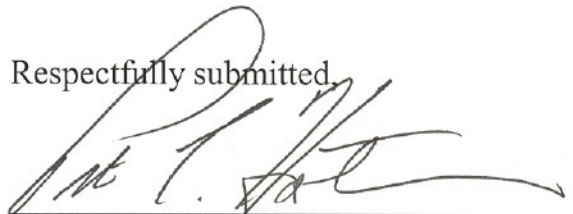
14. This Court has authority pursuant to paragraph 2.11B of the *Guidelines for the Administration of the Criminal Justice Act and Related Statutes* to appoint co-counsel in a non-capital case.

15. The appointment of co-counsel is necessary for the defendant to comprehend the charges against him, his constitutional rights and his options.

16. The appointment of co-counsel is necessary and furthers the interests of justice.

WHEREFORE, this Honorable Court is respectfully urged to grant the instant motion.

Respectfully submitted,



Peter Charles Horstmann, Esquire  
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